



Alan C. Lloyd, Ph.D.
Agency Secretary

State Water Resources Control Board

Office of Chief Counsel

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P.O. Box 100, Sacramento, California 95812-0100
♦ <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC HEARING ON STAY REQUEST

The State Water Resources Control Board will hold a hearing to consider issuance of a stay on

Petition of Humboldt Watershed Council
(Enrollment of four Pacific Lumber Company Timber Harvesting Plans
under General Waste Discharge Requirements, Order No. R1-2004-0030)
SWRCB/OCC File No. A-1683

Wednesday, January 19, 2005, 1:30 p.m.

**Cal/EPA Building
1001 I Street
Room 1520, Fifteenth Floor
Sacramento, California**

PURPOSE OF HEARING

The State Water Resources Control Board (State Board) has received a request from the Humboldt Watershed Council to stay the effect the decision of the Executive Officer of the North Coast Regional Water Quality Control Board to enroll four timber harvest plans proposed by Pacific Lumber Company for coverage under its General Waste Discharge Requirements Order No. R1-2004-0030 pending resolution of the petition on its merits. The State Board will hold a hearing to consider issuance of a stay.

The purpose of this hearing is to receive any relevant testimony or evidence and to hear policy statements on whether to issue a stay in this matter. The bases for a stay will be limited to the submissions by the Humboldt Watershed Council and will be further limited to the question of whether the four enrollments are properly issued under the General Order. A stay of all or any portions of the enrollment may be granted only if petitioner alleges facts and produces proof of (1) substantial harm to itself or to the public interest if a stay is not granted, (2) a lack of substantial harm to other interested persons and to the public interest if a stay is granted, and (3) substantial questions of fact or law regarding the permit. The hearing will be limited to this purpose.

The hearing will be held on **Wednesday, January 19, 2005, at 1:30 p.m.** The hearing will be conducted by one State Board Member acting as hearing officer. At the hearing, the hearing officer will receive oral and written testimony and policy statements on the issue described



above. All persons who wish to provide information relating to whether the stay should be issued may submit policy statements.

HEARING PARTICIPATION

Participants at the hearing are either “parties” or “interested persons.” Parties to the hearing may present evidence and are subject to cross-examination. Parties may also cross-examine other parties’ witnesses. Cross-examination is limited to testimony and evidence.

Parties and interested persons may present non-evidentiary policy statements. Interested persons are not subject to cross-examination and may not cross-examine other parties. Parties may be cross-examined only regarding evidence they submit and not policy statements. Parties must clearly identify any portion of their presentations that are policy statements. Policy statements may refer to evidence in the record and must be limited to **five pages, double-spaced, with a font no smaller than 12.**

The following participants are hereby designated as parties at the hearing:

1. Humboldt Watershed Council,
2. North Coast Regional Water Quality Control Board, and
3. Pacific Lumber Company.

All other persons who wish to participate in the hearing as parties must request party status. Requests must be submitted no later than **5:00 p.m. on January 13, 2005**. The submissions shall explain the basis for party status and why the existing parties do not adequately represent the person’s interests. Persons or entities with similar interests are requested to select one representative to serve as a party on behalf of the group. All designated parties must submit the following no later than **5:00 p.m. on January 14, 2005**: (a) the evidence and exhibits that will be presented, (b) a list of witnesses and a detailed summary of the testimony to be presented, and (c) references to evidence in the administrative record that should be considered by the State Board. All submissions shall be made to:

Theodore A. Cobb, Esq.
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
Email: tcobb@waterboards.ca.gov

The State Board will strictly enforce the deadlines, page limits, and limits on oral presentations and written submissions described herein.

Oral testimony that goes beyond the scope of written testimony will be excluded. Parties who propose to offer expert testimony must include a statement of qualifications of the expert witness. Parties must submit all documents to the State Board and must send one copy to each of the other parties. Parties may make electronic submissions. Interested persons may submit one copy of policy statements in advance to the State Board only.

HEARING PROCEDURES

To ensure that everyone has an opportunity to participate in the hearing, the following time limits will apply. Each of the parties listed above, and any other party that is designated, will have up to a total of 45 minutes to present evidence, testimony, cross examination, and policy statements. Interested persons will have up to 5 minutes to present a policy statement. Interested persons with similar concerns should participate in a joint presentation, and the hearing officer may limit such statements if they are repetitive. Participants are expected to avoid redundant comments. Additional time may be approved by the hearing officer upon a showing that such time is necessary.

The hearing officer will conduct the hearing in accordance with the State Board's regulations governing adjudicative proceedings and the Administrative Procedure Act (APA). The State Board's regulations are in the California Code of Regulations, title 23, section 648 et seq. (<http://www.calregs.com>) and will be provided upon request. The APA provisions are at California Government Code section 11400 et seq. The hearing will not be conducted as a formal hearing under Chapter 5 of the APA (commencing at Government Code section 11500).

FURTHER ACTION ON THE STAY REQUEST

The hearing officer has the authority to act on behalf of the State Board to grant or deny the request for stay based on the evidence and presentations at the hearing. The hearing officer may also refer the matter to the full State Board, which may act on the stay request at a subsequent meeting, the time and place of which will be publicized. If the matter is referred to the full State Board, a draft decision will be circulated to the public, and the public will have an opportunity to comment on the draft decision prior to final State Board action. The State Board will not allow the introduction of further evidence, testimony, or exhibits following the close of the hearing.

CLOSED SESSION

The State Board may meet in closed session to deliberate on a decision to be made based on evidence taken at the hearing. The closed session is authorized under Government Code section 11126, subdivision (c)(3).

LOCATION AND ACCESSIBILITY

The Cal/EPA Building is accessible to people with disabilities. Public parking is available across the street from the building. A map of the exact location is attached to this notice.

Individuals who require special accommodations are requested to contact Adrian Perez at (916) 341-5880 at least five (5) working days prior to the hearing.

Future correspondence regarding this matter will be sent in hard copy only to the addressees of this letter and to those persons whose names and addresses appear on this letter as receiving copies. All other interested persons who received copies of this letter may receive future correspondence on this matter via email by subscribing on the internet at <http://www.swrcb.ca.gov/lyrisforms/waterboards.subscribe.html>; the name of the electronic mailing list is A-1683 Humboldt Watershed Council. (Those persons who will continue to receive hard copies are also encouraged to subscribe on the internet.) In order to ensure that you receive all correspondence from this office, you should sign up as soon as possible. If you do not sign up for electronic notifications, you will not receive further correspondence on this matter. Interested persons who do not have access to email, and who wish to receive hard copies of correspondence in this matter, must make such request by writing to Roni Dickerson at the Office of Chief Counsel at the address in the letterhead above, within 30 days of the date of this letter.

IF YOU HAVE ANY QUESTIONS

Questions concerning the hearing may be addressed to Theodore A. Cobb, Assistant Chief Counsel at (916) 341-5171 or at tcobb@waterboards.ca.gov.


Debbie Irvin
Clerk to the Board

Dated: January 7, 2005

Enclosure